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MAY 30 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of
Noboru Yasuda et al
Application No. 09/970,570
Filed: October 4, 2001
Attorney Docket No. 51441 US

This is a decision on the petition, filed May 28, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 9, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The instant petition under 37 CFR 1.313(c)(2), the RCE and the IDS, filed on May 28, 2003, are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Joseph A. Tessari appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he act. However, if Mr. Tessari desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

After receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center Art Unit 2831 for processing of the request for continued examination under 37 CFR 1.114 filed May 28, 2003.

A handwritten signature in black ink, reading "Karen Creasy". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy